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Attorneys for Plaintiff Ocwen Loan Servicing, LLC

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	Case No. 12-12020 (MG)
	:	
RESIDENTIAL CAPITAL LLC, et al.,	:	Chapter 11
	:	
Debtors.	:	Jointly Administered
-----	:	
OCWEN LOAN SERVICING, LLC,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	Adv. Pro. No. 14-02388 (MG)
	:	
THE RESCAP LIQUIDATING TRUST,	:	
a Delaware Statutory Trust,	:	
	:	
Defendant.	:	
-----X	:	

**MOTION OF PLAINTIFF OCWEN LOAN
SERVICING, LLC FOR SUMMARY JUDGMENT**

Plaintiff Ocwen Loan Servicing, LLC (“Plaintiff”), through the undersigned counsel, hereby files this Motion for summary judgment, pursuant to Rule 56 of the Federal Rules of Civil Procedure, made applicable by Rule 7056 of the Federal Rules of Bankruptcy Procedure, and the Court’s Case Management and Scheduling Order, entered December 22, 2014 (Dkt. 6).

In support of the Motion, Plaintiff submits the Memorandum of Law in Support of Plaintiff's Motion for Summary Judgment, and the Joint Statement of Stipulated and Undisputed Facts, with exhibits, each dated February 13, 2015, being filed contemporaneously herewith.

As described therein, the Motion seeks judgment (i) finding ResCap in breach of its obligations under Section V.1 of the RM SOW; (ii) declaring that pursuant to Section V.1 of the RM SOW ResCap is obligated to bear the cost of segregating, removing, repackaging and relocating the Servicing Files from the Vendors; (iii) declaring that Ocwen is not obligated to reimburse ResCap for any Vendor charges related to the storage of the Servicing Files incurred by ResCap beginning in September 2013; (iv) declaring that ResCap is obligated to reimburse Ocwen for any Vendor charges related to storage of servicing files retained by ResCap until such time as those files are transferred; and (v) ordering limited discovery and an accounting to determine the amount of any Vendor charges paid by Ocwen and related to storage of servicing files retained by ResCap, and directing ResCap to reimburse Ocwen for such costs.

Pursuant to the Court's Case Management and Scheduling Order, opposition briefs shall be filed on or before March 13, 2015, and reply briefs shall be filed on or before April 3, 2015.

Dated: New York, New York
February 13, 2015

Respectfully Submitted,

HUNTON & WILLIAMS LLP

By: /s/Joseph J. Saltarelli
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*Attorneys for Plaintiff
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CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2015, I served the foregoing on all counsel of record registered with the Court's ECF system, by electronic service via the Court's ECF transmission facilities and by First Class Mail upon counsel for Rescap Liquidating Trust at the address listed below.

By: /s/Joseph J. Saltarelli
Joseph J. Saltarelli

TO: Jamie A. Levitt, Esq.
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